

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT NELSON TOWN HALL
ON 17TH MARCH 2026**

PRESENT –

Councillor M. Adnan (Chair)

Councillors

*F. Ahmad
S. Ahmed
C. Church
S. Cockburn-Price
D. Gallear
R. O'Connor
A. Sutcliffe
Y. Tennant*

Officers

<i>N. Watson</i>	<i>Assistant Director Planning, Building Control and Regulatory Services</i>
<i>E. Barker</i>	<i>Legal Services Manager</i>
<i>J. Eccles</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillor A. Bell, Y. Iqbal and D. Whipp.)



The following person attended and spoke on the item indicated –

<i>Naz Shah</i>	<i>26/0019/HHO - Full: Retention of existing raised platform with the formation of a planting area to the rear garden at 19 Highgate, Nelson</i>	<i>Minute No. 22(a)</i>
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20. DECLARATION OF INTERESTS

Members were reminded of the legal requirements concerning the declaration of interests.

21. MINUTES

RESOLVED

That the Minutes of the meeting held on 16th December 2025 be approved as a correct record and signed by the Chair.

22. PLANNING APPLICATIONS

The Assistant Director Planning, Building Control and Regulatory Services submitted a report on the following planning application for determination -

26/0019/HHO Full: Retention of existing raised platform with the formation of a planting area to the rear garden at 19 Highgate, Nelson for Mr Jabran Sajjad

(A site visit was undertaken prior to the meeting.)

Development Management Committee (17.03.2026)

At a meeting of Nelson, Brierfield and Reedley Committee on 26th February 2026 the decision to approve this application was referred as a recommendation to this Committee as this would represent a significant departure from policy. Whilst of an acceptable appearance and materials, the development would have an unacceptable adverse effect on the amenity of the adjacent occupiers by way of overlooking which could not be effectively or satisfactorily mitigated.

Prior to the meeting Members had received an update reporting receipt of an updated plan with revised measurements. It was noted that the revisions did not alter the recommendations of the Planning Officer's report which was to refuse planning permission.

At the meeting the speaker referred to a briefing note she had circulated earlier in the day to Members of the Committee, suggesting that a condition restricting use of the raised area to use as a planting bed, could avoid detrimental impact on the living conditions of the neighbouring dwelling at No. 21 Highgate through loss of privacy. Officers had not had sight of the briefing note. It was proposed and agreed that the meeting be adjourned to give the Assistant Director Planning, Building Control and Regulatory Services time to read the note and advise the Committee accordingly.

At 6.45pm the meeting was adjourned for approximately fifteen minutes and reconvened at 7.00p.m.

Having read the briefing note the Assistant Director Planning, Building Control and Regulatory Services advised the Committee that planning conditions needed to be controllable, and in his opinion the condition proposed in the briefing note was unenforceable. He advised the Committee that loss of privacy was not negotiable and to refuse the planning application for the reason set out in the report.

RESOLVED

That planning permission be **granted** subject to the following conditions –

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 25053 - 01.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No part of the raised area found to the west of the steps shown on approved plan 2503-01 and marked "grass" on that plan shall at any time be used for any form of recreation including - but not exclusively, sitting, play and gatherings. It shall only ever be used for gardening or maintenance.

Reason: The area faces the adjoining property and its use would affect the residential amenity of the occupants of that property.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application

CHAIR _____